

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

**DONALD E. SMITH,**

**Plaintiff,**

**vs.**

**UNITED STATES OF AMERICA and  
EDWARDS TRANSPORTATION, LLC,**

**Defendants.**

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**CASE NO. 6:09CV151  
BENCH TRIAL**

**ORDER**

As stated at the pretrial hearing on January 21, 2010, the Court **DENIES** Defendant United States' Federal Rule of Civil Procedure 12(b)(1) Motion to Dismiss for Lack of Jurisdiction and Motion for Summary Judgment Pursuant to Federal Rule of Civil Procedure 56(c) (Docket No. 35).

In addition, the Bench Trial in this case is set for February 9, 2010 at 9 a.m. The Court will allow the parties 10 minutes for opening statements, 2.5 hours for direct and cross examinations, and 20 minutes for closing arguments.

**So ORDERED and SIGNED this 25th day of January, 2010.**

A handwritten signature in black ink, appearing to read 'Leonard Davis', written over a horizontal line.

**LEONARD DAVIS  
UNITED STATES DISTRICT JUDGE**